

# DOCKET SECTION

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

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OFFICE OF THE SECRETARY

POSTAL RATE AND FEE CHANGES, 1997 : DOCKET NO. R97-1

## PARCEL SHIPPERS ASSOCIATION (PSA) RESPONSE TO NOTICE OF INQUIRY NO. 1 (NOI No. 1) ON INTERPRETATION OF COMMISSION RULES AUTHORIZING THE USE OF LIBRARY REFERENCES

In NOI No. 1, issued September 17, 1997, the Commission invited comments on the Postal Service practice of designating materials as Library References. The Memorandum of Law on this subject filed by PSA on September 17, 1997, we believe is responsive to issues raised in the NOI, and we ask that the Commission accept that Memorandum as responsive to its request. We are also concerned that the emphasis of the NOI might be on whether the Postal Service has improperly designated materials as Library References. We trust that this does not suggest that the Commission believes that material that is properly labeled a Library Reference somehow obtains any higher dignity as evidence merely because it meets that definition. The Commission's own rules make it clear that properly labeled Library References are nevertheless not evidence merely because they have that status.

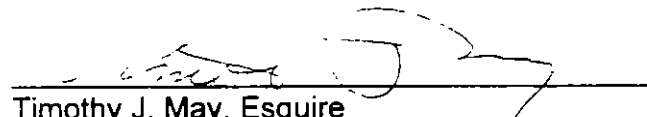
The Commission does state that it agrees with the Presiding Officer's conclusion that the Postal Service has adopted a "litigation strategy" to effectively insulate key material supporting several of its proposals from the usual requirements that attend the qualification of studies as evidence. This we trust is the main focus of the Commission's concern in its NOI, and not just a question of whether materials are properly labeled. As our September 17th Memorandum makes clear, PSA is concerned about the status of Library Reference H-108, currently anonymously authored and unsponsored, but heavily relied upon by several Postal Service witnesses' filed testimony as the source of their testimony. PSA believes that this Library Reference is properly labeled a "Library Reference," being too voluminous to distribute.<sup>1</sup> The fact that this study may be properly labeled as a "Library Reference" does not mean that it is not a perfect example of the Postal Service's "litigation strategy" to attempt to insulate key material supporting proposals such as a 10 cent surcharge for Standard (A) mail

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<sup>1</sup> This matter is further complicated by the fact that the hard copy version of this Library Reference differs from the CD-Rom version; this is further complicated by the fact that the CD-Rom version contains obsolete computer language such as FORTRAN, which defeated the best efforts of computer experts employed by PSA's law firm.

from the usual evidentiary requirements for such studies. (There is also the troubling question of whether such Library References and their computer language and processing back ups are in fact inaccessible to the normal intervenor in these proceedings.)

Respectfully submitted,



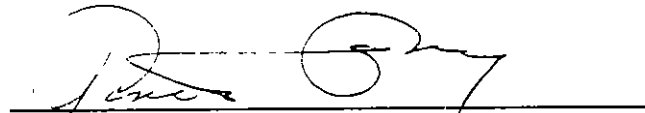
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Counsel for Parcel Shippers Association

Dated: October 2, 1997

### **CERTIFICATE OF SERVICE**

I hereby certify that I have this date served the foregoing upon all participants of record in this proceeding in accordance with Section 12 of the Rules of Practice.



Timothy J. May

Dated: October 2, 1997